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FOURTH REPORT ON STATE RESPONSIBILITY

by

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Addendum

Subsequent to the submission of addendum 1 to his fourth report (A/CN.4/444/Add.1), the Special Rapporteur wishes to reformulate the text of article 14, as proposed in that document, as follows:

Article 14

Prohibited countermeasures

1. An injured State shall not resort, by way of countermeasure, to:

(a) the threat or use of force [in contravention of Article 2, paragraph 4 of the United Nations Charter];

(b) any conduct which:

(i) is not in conformity with the rules of international law on the protection of fundamental human rights;

(ii) is of serious prejudice to the normal operation of bilateral or multilateral diplomacy;

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(iii) is contrary to a peremptory norm of general international law;

(iv) consists of a breach of an obligation towards any State other than the State which has committed the internationally wrongful act.

2. The prohibition set forth in paragraph 1 (a) includes not only armed force but also any extreme measures of political or economic coercion jeopardizing the territorial integrity or political independence of the State against which they are taken.